IN THE UNITED STA	ATES DISTRICT COURT FOR	
THE WESTERN [	DISTRICT OF OKLAHOMA	JUL 1 9 2005
ROBERT H. MIRACLE,	)	U.S. DIST. COURT, WESTERN DIST. OF OKLA
Plaintiff,	)	DEPUTY
vs.	) No. CIV-04-76	9-W
JO ANNE BARNHART, COMMISSIONER OF SOCIAL SECURITY,	) ) )	
Defendant.	)	

On May 12, 2004, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this matter and recommended that the Court affirm the decision of the defendant, Jo Anne Barnhart, Commissioner of Social Security ("Commissioner"), to deny the Application for Disability Insurance Benefits and Application for Disabled Adult Child's Benefits filed by plaintiff Robert H. Miracle. The parties were advised of their right to object, and Miracle timely filed an objection to the Report and Recommendation.

**ORDER** 

Based upon the record as a whole, the Court must decide whether the evidence that supports the Commissioner's decision in this case is substantial in light of any contradictory evidence and whether the Commissioner's decision comports with relevant legal standards. The Court is mindful that in reviewing the record it may not reweigh the evidence or substitute its discretion or judgment for that of the Commissioner. Based upon its examination, the Court concurs with Magistrate Judge Purcell's suggested disposition of this matter and finds that the Commissioner based her decision to deny Miracle's applications on substantial evidence and that she applied the correct legal standards.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on May 12, 2005;
- (2) AFFIRMS the Commissioner's decision to deny Miracle's Application for Disability Insurance Benefits and his Application for Disabled Adult Child's Benefits; and

(3) ORDERS that judgment in favor of the Commissioner issue forthwith.

ENTERED this \_/gr day of July, 2005.

EE R. WEST

UNITED STATES DISTRICT JUDGE